

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 7, 9, 12, 14, 15, 21, 22, 25-28 and 30 rejected under 35 U.S.C. 103(a) as being unpatentable over Dochterman (US 2,722,618) in view of Rapata (US 3,110,338). Dochterman discloses a motor housing assembly comprising a motor housing (2), a motor housing cover assembly (7) and a plurality of fasteners (11) for securing the cover to the housing. Dochterman does not disclose the shape of the fasteners as claimed. In the embodiment of Figs. 8-10, Rapata discloses a Z-shaped fastener (see Fig. 8) comprising a base extension tab (64b or 66b) with a complementary contour (38b) to an inner surface, an extension block (22b) with a threaded aperture (52b) and a complementary contour (24b) to an outer surface and, a fastening aperture engaging portion (not labeled) contacting a side plane of a fastening aperture (30b). The complementary contours applying a structural support wherein the base extension tab is adapted to contact only the interior wall (at 38b) and the extension block is configured to contact only the exterior wall (at 24b). The extension off the end of the extension tab (74, 76) is not read as a part of the "extension tab" also, the extension tab extends across *its* entire width and is smaller than the opening in order to allow it to fit therein and it is rigid at least to certain extent. At the time the invention was

made, it would have been obvious for one of ordinary skill in the art to replace the fasteners of Dochterman with ones as disclosed in Rapata because the fasteners of Rapata are superior in that they are self retained with the aperture such that they will not become separated and perhaps lost from the aperture which would facilitate the assembly of the motor housing. The location of the fastener on the inside or outside would have been an obvious reversal of parts.

Response to Remarks

Applicants argues that the claims are allowable over Dochterman in view of Rapata because the claims have been amended to define the tab extension as not having the snap in fingers as disclosed in Rapata at (74, 76). In response, while the examiner understands applicants' position, the examiner disagrees with applicants' conclusion. The claims, even as amended, do not preclude the inclusion of the finger as in Rapata because the preamble uses "comprising" which is open ended allowing for additional elements to those claimed. Therefore, the "extension tab" is read as being limited to portion (64b or 66b) and as such it can be seen that the extension tab when read as portion (64b or 66b) meets the limitations of the claims as discussed in the above rejection.

Applicants should also review the other embodiments disclosed in Rapata because all the embodiments of Rapata as relevant to the claims of the instant invention.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Flemming Saether whose telephone number is 571-272-7071. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3677

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